

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ST. LOUIS HEART CENTER, Inc. )  
 )  
 Plaintiff, ) Cause No. \_\_\_\_\_  
 v. )  
 ) State Cause No.: 12SL-CC02651  
 HARRIS MEDICAL )  
 ASSOCIATES, LLC, ) Jury Trial Demanded  
 )  
 Defendant. )

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**NOTICE OF REMOVAL**

Comes now Defendant, Harris Medical Associates, LLC, and hereby files this Notice of Removal of the above-captioned putative class action to the United States District Court for the Eastern District of Missouri, Eastern Division, and for its grounds, respectfully states as follows:

1. On or about July 12, 2012, Plaintiff filed a Petition in the Circuit Court of St. Louis County, Missouri, seeking, *inter alia*, to certify a class of plaintiffs under the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the "TCPA").
2. This Court has federal question jurisdiction over TCPA cases under 28 U.S.C. § 1331. Mims v. Arrow Fin. Servs., LLC, \_\_\_ U.S. \_\_, 132 S.Ct. 740, 745 (2012), overruling Mims v. Arrow Fin. Servs., LLC, 421 F. Appx. 920, 921 (11th Cir.2010).

3. This Notice of Removal has been filed within thirty (30) days after receipt by Defendant of a copy of Plaintiff's initial pleadings setting forth the claim for relief upon which said action is based. Therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

4. Defendant files herewith a copy of all process, pleadings and orders relevant hereto. The complete state court file is filed as an attachment to this Notice of Removal.

WHEREFORE, Defendant Harris Medical Associates, prays that an Order be entered herein, causing cause No. 12SL-CC02651 of the Circuit Court of St. Louis County, Missouri, to be removed to this court for further proceedings, and that this court take jurisdiction herein and make such further orders as may be proper under the circumstances.

/s/ Todd A. Lubben

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was mailed this 29th day of August, 2012 to Mr. Max Margulis, Margulis Law Group, 28 Old Belle Monte Road, Chesterfield, MO 63017.

/s/ Todd A. Lubben

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